

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

DIARIED

PCT

WRITTEN OPINION

(PCT Rule 66)

To:

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Applicant's or agent's file reference
PUJ-0042

| | |
|-------------------------------------|--|
| Date of mailing (day/month/year) | 30.10.2000 <i>de</i> |
| REPLY DUE | within 3 month(s) from the above date of mailing |

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|---|--|--|
| International application No. PCT/US99/12073 | International filing date (day/month/year) 28/05/1999 | Priority date (day/month/year) 27/01/1999 |
|---|--|--|

International Patent Classification (IPC) or both national classification and IPC
G01N33/68

Applicant
PHARMACIA & UPJOHN et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain document cited
 - VII ☒ Certain defects in the international application
 - VIII ☒ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.


When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **27/05/2001**.

Name and mailing address of the international preliminary examining authority:

 European Patent Office
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Authorized officer / Examiner

Herrero, M

Formalities officer (incl. extension of time limits)

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SECTION I

4. Additional observations

This written opinion also takes into consideration pages 1-3 of the Sequence Listing (i.e. information concerning SEQ ID NOs 1 to 3).

SECTION III

In the light of the passage on page 17, lines 9-18 of the description it is apparent that present Claims 43, 67, 91, 118, 119, 123, 133, 135, 137, 139 and 141 in part encompass medical/diagnostic uses considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of (part of) the subject-matter of these claims (Article 34(4)(a)(i) PCT).

SECTION V

2. CITATIONS AND EXPLANATIONS

2.1 Reference is made to the following documents:

D1: Aoki, H. et al (1997) J. Biol. Chem. **51**:32254-32259

D2: Swaney, S.M. et al (1998) Antimicrob. Agents Chemother. **42**:3251-3255
(also cited in the application).

D1 and D2 have been cited in the International Search Report in their Chemical Abstracts' version.